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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7113 OF 2007

Mr. Adhikarao Yeshwant Pawar ... Petitioner

V/s

Divisional Controller,
M.S.R.T. Corporation, Satara & anr. ... Respondents

Mr. M.S.Topkar for the petitioner.

Mr. C.M.Lokesh for Mr.G.S.Hegde for the respondent No.1.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 1ST OCTOBER, 2007.

P.C.:

1. The petitioner has filed a complaint after he received a notice directing him to show cause as to why his services should not be terminated. The petitioner was issued a charge-sheet for certain acts of misconduct. The enquiry was completed and thereafter the petitioner was furnished the report of the enquiry officer alongwith the show cause notice. However, instead of replying to the show cause notice, the petitioner filed a Complaint (ULP) No. 13 of 2004. The Labour Court has granted interim relief by directing the respondent Corporation not to terminate the services of the petitioner pending the complaint.

2. Aggrieved by this decision, the respondent Corporation filed Revision Application (ULP) No. 49 of 2004. This revision application has been allowed and the order passed by the Labour Court has been set aside.

3. It is the petitioner's case that the action has sought to be taken against him for some flimsy charges which do not warrant the punishment of dismissal. In my opinion, it would be appropriate to direct the petitioner to reply to the show cause issued to him on 25.5.2004, within a period of 15 days from today. In the event the respondent Corporation decides to dismiss the petitioner, they will keep the order of dismissal in abeyance for a period of two weeks after it is communicated to the petitioner.

4. In the event the petitioner is dismissed and the petitioner approaches the Labour Court, either by way of reference or by way of a complaint and seeks interim relief, the Labour Court shall not grant interim relief only on the basis that the petitioner continued in service till he approached the Court.

5. All contentions are left open.

6. Writ petition disposed of accordingly.

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